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CHAPTER TWELVE

Developing Essential Library Policies

[Disclaimer: *The information in this handbook is not legal advice. We recommend that you consult an attorney if you have any questions about how the laws apply to your library.*]

Policies guide the daily operation of the library and the decision-making of the library director and staff. Essentially, policies provide the framework for library operations and services. Carefully developed policies can help ensure high-quality library service that provides for community needs, wise use of library resources, and fair treatment of library staff and library users.

Library boards should approve policies to cover many issues, including the services offered by the library (such as the hours the library is open to the public), circulation of materials, selection of books and other resources, confidentiality of patron records, and use of electronic resources. The library personnel policy and the board bylaws are two essential statements of policy relating to library and library board internal operations.

Both advisory and governing boards should work with the library director and staff to develop policies. Governing boards are responsible for approval and periodical review of policies. Advisory boards have approval responsibility and serve as the appeals board in the event of a book or material challenge. A town library with an advisory board must also have policies approved by the town select board or town council.

Every public library should have a collection development policy that supports the ideals of freedom of expression and inquiry—two of the bedrock principles of our country. A sound collection development policy assures the continuous growth of a collection appropriate to your library's defined mission and goals, while recognizing the diversity and pluralistic nature of your community. The collection development policy outlines the professional review sources you use to select materials—essential information in the event of a challenge.

Challenges to library materials and policies do occur. This is why it is essential for every library to have a written policy in place that specifies how complaints will be handled, including a procedure to be

used by concerned citizens with a complaint/concern form. There is more detailed information in the additional resources area of this chapter.

Policy Development Steps

The following basic steps provide for careful development and review of library policies:

1. Director, with staff (and maybe public) input, develops recommended policies.
2. Board discusses, revises (if necessary), and approves policies.
3. Director makes sure staff and public are aware of policies.
4. Board reviews policies on a regular cycle so all policies are reviewed at least every three years. (Perhaps one or two policies could be reviewed per meeting until all of the policies have been reviewed - and revised if necessary.)

The library board must approve all policies in properly posted public meetings. In consideration of policy matters, it is important that you give adequate time and attention to the many complex issues that may be involved. All library policies should promote the best interests of the community and be consistent with the library's mission and long-range plan. You should be satisfied that a policy is legal, clear, and reasonable, and that all ramifications (including the effects on the public image of the library) are understood.

After a new policy is established, it is important that the policy be clearly documented and available to staff and public. It is helpful for a library to gather all library policies into a policy manual available to all staff and readily available to all library users. Many libraries are now posting their policies (see www.maine.gov/msl/libs/admin/policies/ for examples) on their web sites to help make the public more aware of the library's services and policies.

Although disagreements during the development of policies are natural, each board member should support staff in implementation of policies once they are established. Challenges to policies are most common on the topics of material selection, behavior in the building, and public internet access.

Legally Defensible Policies

It is important for policies to be legal. Illegal policies can open the library or the town to liability. Below are four tests of a legally defensible policy:

Test #1: Policies must comply with current statutes and case law. For example: A library policy charging patrons for use of computers in the library would be contrary to **Maine Statutes Title 35A, Part 7, Chapter 71 subsection 7104B** which requires that the library provide free public access to all advanced telecommunications services available at the library.

Test #2: Policies must be reasonable (and all penalties must be reasonable). For example: A library policy that says, “All talking in the library is prohibited, and anyone who talks in the library will permanently lose library use privileges” is clearly an unreasonable rule with an unreasonably harsh penalty.

Test #3: Policies must be clear (not ambiguous or vague). For example: A policy that says, “Library use privileges will be revoked if a patron has too many overdue books” is too vague to be fairly administered.

Test #4: Policies must be applied without discrimination. For example: If a library charges fines, it cannot give preferential treatment to some individual patrons. For example, if the library sometimes waives fines, that waiver must be available to all patrons on an equal basis—not just to friends of library staff or to politically important people.

Many libraries find that it is helpful when developing or revising policies to review the policies of other libraries. Many examples of Maine public library policies and other resources are available from the Maine State Library’s website at www.maine.gov/msl/libs/admin/policies/.

Policies vs. Procedures

In addition to a policy manual, many libraries find it helpful to compile procedure manuals, especially for covering complex activities like the selection, ordering, and processing of new materials. Procedure manuals outline the steps necessary to accomplish various tasks and therefore are especially valuable to new staff.

Procedure manuals are the place to outline fee and fine schedules and any penalties because changes don’t require formal board or town approval with public meeting notices. For example, if you decide to raise your photocopy fee from 10 cents to 25 cents, it’s much easier to update your procedures instead of going through the formal policy approval process.

Procedures must conform to the policies approved by the library board. While it is true that the library board is responsible for the entire administration of the library, your library will operate most

effectively if the board delegates responsibility for the development of procedures and the day-to-day supervision of library operations to the library director. A properly trained library director is well equipped to handle this responsibility. “Micro-management” of library operations by the board is, in almost all cases, an unnecessary use of the board’s time, unethical, and a practice that can undermine the authority of the library director.

Dealing with Challenges to Materials and Policies

One of the most difficult tasks you may face as a public library trustee is that of dealing with an objection to materials in the library’s collection, or an objection to library policies. This is why it is essential for every library to have a written policy in place that specifies how complaints will be handled, including a procedure to be used by concerned citizens.

The policy should be written so that it calls for at least the initial steps of the process to be handled by staff; and in many, if not most, instances the issue can be resolved at that level. However, there may be times when the library board becomes involved more directly. Again, what is most important is for the board to have a policy and a corresponding procedure for dealing with either circumstance.

Regardless of the level of board involvement, it is important for you as a trustee to be committed to the principles of freedom of expression and inquiry that are fundamental to the role of public libraries. The entire community benefits collectively when democratic institutions uphold the right of access to information. Public libraries are for everyone and for every inquiry, and as such must include materials with varying points of view and a wide range of subjects. However, throughout history there have always been those who seek to limit what others may read, see, or listen to, and when this occurs in a public library setting it must be addressed thoughtfully and carefully by those ultimately responsible for all library operations, i.e., the library board.

The Trustee Role in Dealing with Challenges

So, what is your role when a complaint against a specific book, video, music CD, or policy is made? In many communities (especially smaller ones) you may receive the complaint personally through a phone call or a face-to-face conversation

rather than as an item of business at the next board meeting. If this happens, you will be better able to respond appropriately if there is a policy and procedure already in place.

An important first step is to communicate with the library director about the complaint, since you and your fellow trustees have, no doubt, delegated to the director the responsibility for selecting materials. This means that you should not express your own personal views to an individual citizen but should instead refer the complaint to the director promptly. Inform the citizen that there is a policy for handling objections and explain that you are not individually responsible for deciding what will be done. Make sure the objector understands there is a process, and that they have the right to use that process.

In other instances, the complaint may be made directly to the library director, either orally or in writing. In both cases, the objection may become a formal challenge if it cannot be resolved through informal dialog. You and your fellow trustees should be informed by the director that a challenge has been received and kept informed of its status. When the challenge is elevated to the trustee level it then becomes an agenda item.

If a formal challenge has been received, it may become known to the general public, sometimes generating debate in the media and among other public officials. This can create great stress for library trustees, for you may be contacted for your opinion by members of the public or by the media, or even by members of the municipal board which confirmed your appointment. Again, it is your responsibility not to engage in public debate as an individual. Your library's policy for dealing with challenges should specify that all deliberations involving trustees will be made at open board meetings. It should also specify that there is an official spokesperson (often the library director, sometimes the board president) through whom all information will be given out, especially to the media.

Public Hearings

Most challenges are resolved before they become issues of public debate. Depending on your challenge policy, occasionally the library board may decide to hold a public hearing at which testimony is taken. This process must be

carefully and thoroughly crafted to allow both sides of the issue to be heard and to prevent (as much as possible) undue sensationalism. (The Intellectual Freedom Manual has an excellent section on planning a public hearing.) While the steps of this process need not be spelled out in your library's policy, there should be a statement that refers to the process.

If a hearing is held, it is important for trustees to listen carefully and not to participate in the debate. They should also defer any decision on the challenge to a later meeting. This meeting should be scheduled fairly soon after the hearing but allow enough time for trustees to consider the issues that have been raised in a less emotional atmosphere.

Regardless of how the challenge ultimately arrives before the trustees, it is probable that you will eventually make your views known through a vote that will decide the outcome. This is the time to make a public statement giving the reasons for your vote. Such a statement is not obligatory, but it gives trustees a forum to reiterate the principles of intellectual freedom, and why you do (or do not) support them in this instance. Once the board has decided the outcome, there is usually no further recourse for action by the challenger except a court case.

A formal challenge can be an opportunity for growth for all parties: the challenger, the library director and staff, and perhaps most of all for trustees. Having a policy in place that describes the process to be followed and the responsibilities of the various participants in a challenge will make it much easier for you and your fellow board members to deal with attempts at censorship.

Sample Request for Reconsideration of Library Materials

Your Name: _____ Date: _____

Address: _____ Phone: _____

Author/Artist: _____

Title: _____

Please briefly answer the following questions about the item that you would like to have reconsidered.

1. Did you obtain the item at the _____ (Name of) Library or did you place it on hold to be delivered by the Maine Regional Library System?
2. How did you learn of this item?
3. What are your objections to this item?
4. What harm do you feel might result from reading, listening, or viewing this work?
5. Did you read, listen or view the work in its entirety? If not, what parts did you read, listen or view?

6. Have you read any professional reviews of the work? If so, please list the names of critics and sources of reviews.

7. What do you think are the main ideas of the work or what was the author's/artist's purpose in creating this work?

8. What suggestion do you have for a work with a similar purpose to replace this item?

9. What would you like the library to do with this material?

Thank you for taking the time to fill out this form. The Library Director will respond to your concerns within 10 days of the receipt of this form.

Signature and Date

Essential and Recommended Library Policies for Maine Public Libraries

Current, effective library policies are essential components for a strong organization. The Maine State Library has posted a list of sample policies online at: www.maine.gov/msl/libs/admin/policies. The Maine State Library strongly recommends library boards adopt local policies and procedures on the following topics:

Essential Library Policies

- Acceptable Computer Use Policy (required for MSLN libraries)
- Collection Development (includes materials selection criteria, disposal of outdated or damaged materials, gifts and donations, special collections, patron requests, and challenges)
- Internet Safety Policy (Children Internet Protection ACT (C.I.P.A.) compliance is required for all MSLN libraries that filter.)

Minimum Recommended Library Policies

- ADA Compliance
- Collection development
- Copyright Compliance
- Emergencies/Safety
- Exhibits/Displays
- Interlibrary Loan
- Investment
- Lending
- Meeting Rooms
- Patron Conduct
- Personnel
- Patron Privacy/Confidentiality
- Public Relations/Social Media
- Public Service Hours
- Records Retention
- Reference/Information Services

Additional Suggested Library Operations Policies

- Building Maintenance
- Circulation
- Computer Use
- Customer Behavior
- Displays
- Filtering
- Genealogy
- Gifts and Appraisal
- Interlibrary Cooperation (Reciprocal/Consortial Borrowing)
- Library as Polling Place
- Patron Materials Requests
- Problem Patron
- Smoking
- Unattended children
- Weapons in the Library

Personnel Policies

- Absenteeism and Tardiness
- Appraisal
- Bereavement Leave
- Breaks
- Complaints
- Conferences and Meetings
- Conflict of Interest
- Disabilities or ADA
- Dress Code
- Educational Assistance/
- Emergency Closing
- Employee Privacy
- Employment
- Employment of Relatives
- Equal Opportunity
- Evaluations / Performance
- Expense Reimbursement
- Family Medical Leave Act
- Grievance
- Health/Other Insurance
- Hiring/Recruitment
- Holidays
- Inclement Weather
- Internet/Email Use
- Job Descriptions
- Jury Leave
- Meal Periods
- Mileage Reimbursement
- Military Leave
- Overtime
- Payroll Deductions
- Performance Improvement
- Personal/Other Paid Leave
- Professional Memberships
- Retirement
- Salary Increases
- Salary Payment
- Sexual Harassment
- Sick or personal leave
- Substance Abuse
- Termination of Employment
- Tuition Reimbursement
- Unpaid Leave
- Vacation Leave
- Voting Leave
- Workplace Violence
- Workweek

Sources of Additional Information

- Your Regional Liaison
- Maine State Library Technology Specialist
- Children's Internet Protection Act (CIPA) and Filtering
www.maine.gov/msl/erate/cipa.htm
- Maine State Library Public Library Policies page
www.maine.gov/msl/libs/admin/policies/
- Maine Library Association's Intellectual Freedom Committee
<https://mainelibraries.org/intellectual-freedom>
- American Library Association
<http://www.ala.org/advocacy/intfreedom>
- Your board or town attorney

